

Planning and Zoning Committee of the MidCoast Community Council
PO. Box 64, Moss Beach, CA 94038
Serving 12,000 Residents

October 1, 2000

FAX: 3 Pages

To: **Alison Sand**
San Mateo County Planning and Building Division
Mail Drop PLN122, 455 County Center
Redwood City, CA 94063
650.363.1828 - FAX: 650.363.4849

re: Consideration of a proposal to amend Coastal Development (CD) Zoning District Regulations to exempt test wells from Coastal Development Permit (CDP) requirements, when shown not to impact coastal resources.

cc: Supervisor Rich Gordon
MidCoast Community Council

Alison:

I apologize for the delay in this response, but we felt it necessary to go through a certain level of education on this subject before we felt comfortable responding to your request for a recommendation from our Committee. After quite a bit of research and discussion with County staff and community members, on 9/20/00, the Planning and Zoning committee of the MidCoast Community Council considered the above referenced proposal regarding test wells, and unanimously (7-0) passed the following recommendation to the Planning Commission:

Recommend to the San Mateo County Planning Commission and Planning Staff that the proposal not be adopted as presented, and that the regulations concerning agriculture wells be strengthened to preserve water for agriculture use.

In coming to this determination, we considered the following issues:

Applicability:

In the urban area of the MidCoast, this proposal would not apply to the majority of residentially zoned parcels, as these are already in the CDP single-family residential exemption area. Therefore, in the MidCoast Area, the proposal would apply to those not in the exemption area: primarily west of Highway 1 in Moss Beach and Miramar, in identified sensitive habitat areas, a few parcels that are zoned PAD or RM/CZ within the urban boundary, and in the surrounding rural areas.

Coastal Resource Protection:

It would seem to us that the proposal would result in a general weakening of coastal protection regulations, the urban/rural boundary, and rural zoning and land use, as it would:

- allow the exemption to a large number of residential parcels west of the highway on the fragile coastal terraces of Moss Beach and Miramar,
- encourage further development in the rural areas, especially those near or adjacent to the urban area,
- promote the residential conversion of PAD lands, and

- discourage the proper investigation and classification of Environmentally Sensitive Habitat Areas (ESHAs) that are not currently mapped.

Coastal property ownership and residency entails a level of responsibility to protection of coastal resources, in addition to any right to development within existing zoning and Land Use designations. Lands within this area should not be lightly exempted from these extra protections as mandated by the State Coastal Act. The argument that the requirement for a Coastal Development Permit increases time and cost of the development process, or that the applicant might face a lengthy appeal process, is contrary to the concept of continued protection of coastal resources. For this reason, the need to apply for and receive a Coastal Development Permit for any level of development within this area is not only reasonable, but necessary.

Construction and Enforceability of Proposal:

The proposal lists several circumstances under which the exemption would not be granted - most of these are similar to current restrictions on development within or near sensitive areas, and we assume are here mainly for consistency with existing regulations. They do not present any level of protection that is not already provided by existing zoning regulations, LCP policies, and the Coastal Act, and in fact, may actually discourage the proper exploration of property for sensitive habitats and resources to avoid the extra protective regulation.

The proposal for exemption also stipulates that future development be sited in ways that cannot reasonably be predicted, especially when a property owner is just trying to find out if sufficient water is present. This conditioning of future development siting, when contrasted with the statement that no future development is implied with granting of the CDPX, seems inconsistent in intent and in practice.

Conversion of Agricultural Water Supplies:

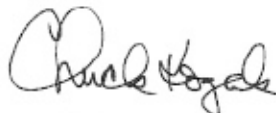
One of the arguments put forward for this proposal is that some property owners have drilled agricultural wells, then converted them to residential wells to avoid the CDP process, and that the way to deal with this loophole is to allow an exemption for test wells. As such, the proposal would seem inconsistent with the Agricultural Component of the LCP and the PAD regulations in that it would not close the loophole, but actually discourage the preservation of agricultural uses of rural lands by simplifying the conversion to residential development.

We think that the County should instead take a stronger stance toward the preservation of rural land uses by:

- allowing new agricultural wells only on land that has a demonstrated agricultural need for them
- allowing use of agricultural water supplies only for residential use that is necessary for the continuation of agricultural operations on the parcel, enforcing this through regulation and required deed restriction
- prohibiting the conversion of agricultural wells to non-agricultural residential water supplies
- requiring new wells to be drilled for any new non-agricultural residential development
- requiring the retention of agricultural water sources, even if the parcel is taken out of production, so that the potential for future agricultural use is preserved.

Again, I apologize for the delay, but I hope we have been able to provide substantial response to the proposal. Thank you for your time and considerations regarding this issue. We look forward to your response and to assisting in any way we can.

Sincerely,

A handwritten signature in black ink that reads "Chuck Kozak". The signature is written in a cursive style with a large, looped initial "C".

Chuck Kozak, MCC Planning and Zoning Committee Chair
POB 370702, Montara CA 94037
Voice/FAX: 650.728.8239 - day/cell: 650.996.8998
cgk@montara.com